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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,314	07/23/2003	Donald H. Lester	539/40A	8379

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EXAMINER

BEFUMO, JENNA LEIGH

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,314

Applicant(s)

LESTER ET AL.

Examiner

Jenna-Leigh Befumo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11,13,14 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11,13,14 and 17-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/03</u> . | 6) <input type="checkbox"/> Other: _____ |

15

DETAILED ACTION

Response to Preliminary Amendment

1. The Preliminary Amendment submitted on July 23, 2003, has been entered. Claims 1 – 10, 12, 15, and 16 have been cancelled. Claims 11, 13, and 14 have been amended and claims 17 – 23 have been added. Therefore, the pending claims are 11, 13, 14, and 17 – 23.

Drawings

2. The drawings are objected to because Figure 3 is described in the specification as being the loop forming material with a network of bonding points and Figure 4 is described as being the loop forming material with a network of hexagonal lines (page 4, paragraphs 26 – 27). However, Figure 3 is shown as having the hexagonal lines and Figure 4 is shown as having the point bonds.

3. The drawings are objected to because the figures are not printed clearly. It is hard to read the words written in the figures and it is unclear if the numerous dots in Figures 3 and 4 are part of the picture or poor resolution. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after

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the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: various locations in the specification recite rational numbers with a comma instead of a decimal. For example 0,3 instead of 0.3. And on page 6, paragraph 39 it appears that Applicant used a decimal where there should be a comma, when stating the "tow can range from 40.000 to 1000,000".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11, 13, 14, and 17 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Igaue et al. (6,332,250).

Igaue et al. discloses a mechanical fastener comprising a loop member base sheet and a plurality of continuous filaments attached to the surface of the base sheet along at least a pair of bonding zones (abstract). The filaments have a basis weight of between 20 and 150 g/m² (column 3, lines 11 – 12). The continuous filaments are selected from various kinds of deregistered or open tows, wherein the fibers are made from polyolefin, polyester, or polyamide,

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and the filaments preferably have at least one crimp/cm (column 4, lines 28 – 42). The filaments are attached to a base sheet by a heat-sealing technique or with a suitable adhesive forming bonding zones (column 4, lines 43 – 58). The bonding zones are formed in a regular pattern which can be rectangular or maybe polygonal, circular, or oval (column 3, lines 23 – 42). The loop material of the hook and loop fastener can be attached to a diaper or incontinence garment by means of an adhesive (column 1, lines 24 – 26 and column 3, lines 57 – 65).

Even though Igaue et al. fails to teach the thickness of the nonwoven material, it would have been obvious to one having ordinary skill in the art at the time the invention was made to choose the claimed thickness, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 220 F.2d 454, 105 USPQ 233 (CCPA 1955). One of ordinary skill of the art would be motivated to choose a enough fibers on the backing layer so that the cleaning material will have easily scrub and clean surfaces due to the texture of the fibers. While at the same time one would want the layer to be as thin as possible to save money by adding the least amount of fibers needed. Further, since the composite material has a similar basis weight of fibers attached to the backing sheet both products would have approximately the same amount of fibers on the back sheet, which would take up approximately the same amount of thickness. Thus, claims 11, 13, 14, 17 – 19, and 21 – 23 are rejected.

Further, while Igaue et al. discloses that the bonding pattern can be different shapes including polygons, circles, and ovals, Igaue et al. fails to explicitly teach using a hexagonal shape as the bonding pattern. However, it would have been obvious to one of ordinary skill in the art to choose various bonding patterns, including a honeycomb pattern, since it has been held

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to be within the general skill of a worker in the art to select a known material (bonding design) on the basis of its suitability for the intended use. *In re Leshin*, 125 USPQ 416. Thus, claim 20 is rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Befumo whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jenna-Leigh Befumo
June 27, 2005